

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CRIMINAL APPLICATION No. 1886 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-

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- Whether Reporters of Local Papers
1 may be allowed to see the
judgment ?
- 2 To be referred to the Reporter or
not ?
- 3 Whether their Lordships wish to see
the fair copy of the judgment ?
- Whether this case involves a
substantial question of law as to
4 the interpretation of the
constitution of India, 1950 or any
order made thereunder ?
- 5 Whether it is to be circulated to
the civil judge ?

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MAKABHAI NATHABHAI - Applicant(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

THROUGH JAIL for Applicant(s) : 1,
MR KT DAVE, APP. for Respondent(s) : 1,
None for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

Date : 10/03/2006

ORAL JUDGMENT

1 This application was moved through Jail Authorities by the petitioner seeking parole leave for the period of 60 days for the purpose of his own treatment. On 5/1/2006 when the matter came up before the Court for the first time Rule was issued and made returnable on 10/01/2006. Thereafter, on 18/01/2006 the Court made an elaborate order directing examination of the convict in jail by one Dr.M.M.Dolakia, with a further direction that Dr.Dolakia will tender his opinion to the Jail Authorities and the Jail Authorities shall forward the same so as to be placed on record of this petition.

2 Today when the matter has come up for hearing, Mr.K.T.Dave, learned APP appearing on behalf of the respondent-State has invited attention to the communication addressed by the

Medical Officer of District Jail Dispensary, Rajkot wherein it is stated that the convict had been granted parole leave on and from 16/1/2006 for a period of 42 days. The learned APP has placed on record communication dated 4/3/2006 from the Superintendent, Rajkot District Jail that the convict has reported back on 28/2/2006 after his parole leave and was accordingly sent to the Orthopaedic Surgeon, Civil Hospital, Rajkot on 3/3/2006. Report of the examination and the treatment of advice have also been placed on record.

3. On going through the medical report it is apparent that the complaint of the petitioner pertains to ailment which is 8 to 9 years old and he has been advised management of the same by undergoing a course of drugs prescribed. The medical report further records on the day of examination viz. 3/3/2006 that no evidence of

bone injury is noted.

4. In these circumstances, considering the fact that the convict has already enjoyed 42 days parole leave from January to end of February, 2006 and has already undergone medical examination, this petition does not survive and the same is accordingly rejected. Rule discharged.

Sd/-
(D.A.MEHTA, J)

m.m.bhatt